

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Nathaniel L Reynolds,)
)
Plaintiff,)
)
v.)
)
Williamsburg Cty. Third Judicial Circuit,)
Judge William Driggers, and Magistrate)
Judge Delores F. Williams,)
)
Defendants.)
_____)

Civil Action No. 4:17-cv-3468-BHH

ORDER

This matter is before the Court upon Nathaniel L Reynolds' pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

Plaintiff initially filed this action in the United States District Court for the District of Columbia, which transferred the case to this Court on September 28, 2017. Plaintiff is a pretrial detainee at the Sheriff Al Cannon Detention Center in North Charleston, South Carolina. After reviewing the matter, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court summarily dismiss this action, with prejudice, and without issuance and service of process for the following reasons: (1) Plaintiff has sued state court judges who are entitled to absolute judicial immunity for their judicial actions; (2) Plaintiff's complaint fails to state a plausible claim for the violation of a constitutional right; (3) Plaintiff asserts frivolous claims without any legal basis; (4) Plaintiff has sued Defendants who are protected by Eleventh Amendment immunity; and (5) Plaintiff seeks relief that is not available. Attached to the

Magistrate Judge's Report was a notice advising Plaintiff of his right to file written objections to the Report without fourteen days of receiving a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts and incorporates the Magistrate Judge’s Report (ECF No. 11) and summarily dismisses this action with prejudice and without issuance and service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B). As the Magistrate Judge explained in her thorough Report, dismissal of this action is deemed a “strike” for purposes of 28 U.S.C. § 1915(g).

AND IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

February 5, 2018
Charleston, South Carolina